

REMARKS

Applicants submit this response to the Office Action dated August 15, 2005. Claims 1, 5, and 25 are amended as discussed below, and claims 30-36 are cancelled. No new matter is added.

The rejection of claims 1, 5-10, 23-25 and 28-37 under 35 U.S.C. § 112, first paragraph, written description, was maintained. Without acquiescing to the ground of rejection, applicants submit that the claims as amended are not subject to this ground of rejection. Specifically, claim 1 as amended does not recite "a polynucleotide at least 80% identical..." in section (k); claim 5 as amended recites "between 1 and 5 conservative amino acid substitutions" in section (g); claim 25 as amended no longer recites SEQ ID NO:3; and claims 30-36 have been cancelled. Applicants submit that these amendments address the rejections based on the Examiner's assertion that adequate written description was not provided for the genera comprising 80% or 95% homologues of SEQ ID NO:2; for oligonucleotides unique to Nogo B cDNA and comprising SEQ ID NO:3; and for polynucleotides encoding polypeptides comprising between 1 and 40 conservative amino acid substitutions of SEQ ID NO:2.

Claim 5 has been amended to recite a polypeptide having between 1 and 5 conservative amino acid substitutions as compared to the corresponding region of SEQ ID NO:2. This language is supported in the specification at page 14, lines 4-6. Applicants submit that the written description requirement is met wherein one of skill can readily identify such substitutions and envision the corresponding amino acid sequence.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, written description, are respectfully requested.

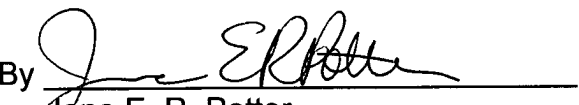
The specification is objected to and the claims are rejected under 35 U.S.C. § 112, first paragraph, as the application allegedly does not comply with the rules for deposit of biological material. The objection and rejection are addressed herein by the accompanying Declaration under 37 C.F.R. § 1.801-1.809. The specification as filed provides the correct address for the ATCC at page 41, lines 16-17. Reconsideration and withdrawal of the objection and rejection under 35 U.S.C. § 112, first paragraph, are respectfully requested.

Claims 1 and 5-10 are rejected under 35 U.S.C. § 112, second paragraph, in view of the language "about" in reference to the amino acid residue position. Applicants submit that this claim language does not render the claims indefinite, but in order to advance the prosecution of the application, applicants submit that the claims as amended are not subject to this ground of rejection, withdrawal of which is respectfully requested.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7650.

Respectfully submitted,
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